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Los Angeles Region

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Gray Davis
Governor

Don Foster
Forest Lawn Memorial Park Association
1712 S. Glendale Avenue
Glendale, CA 91205

CONDITIONAL CERTIFICATION FOR PROPOSED FOREST LAWN MEMORIAL PARK-COVINA HILLS PROJECT (Corps' Project No. 2001-01338-JLB), UNNAMED TRIBUTARIES TO WALNUT CREEK AND SAN JOSE CREEK, CITY OF COVINA HILLS, LOS ANGELES COUNTY (File No. 02-036)

Dear Mr. Foster:

Regional Board staff has reviewed your request on behalf of the Forest Lawn Memorial Park Association (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 27, 2002.

I hereby certify that any discharge from the Forest Lawn Memorial Park-Covina Hills Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Jason Lambert, Section 401 Program, at (213) 576-5733.

[Original Signed By:]

[June 26, 2002]

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information File No. 02-036

1. Applicant: Forest Lawn Memorial Park Association
1712 S. Glendale Avenue
Glendale, CA 91205
Phone: (323) 340-4730 Fax: (323) 551-5070
2. Applicant's Agent: Art Homrighausen
LSA Associates, Inc.
One Park Plaza, Suite 500
Irvine, CA 92614
Phone: (949) 553-0666 Fax: (949) 553-8076
3. Project Name: Forest Lawn Memorial Park-Covina Hills
4. Project Location: Covina Hills area, Los Angeles County
Township: T1S, Range: R9W
5. Type of Project: Cemetery Development
6. Project Description: *Purpose:* The purpose of the proposed project is to meet the need of additional cemetery space for the areas high population.

Description: The proposed project consists of expanding a cemetery development an additional 222 acres for a total of 297 acres of development within a 391-acre parcel. Access roads, drainage facilities, infrastructure improvements, and utilities will also be developed. A reclaimed water distribution line is expected to extend approximately 1,900 feet to an existing off-site reservoir located approximately 900 feet south of the site. The pipeline will include a 20-foot wide easement.
7. Federal Agency/Permit: U.S. Army Corps of Engineers
Individual Permit (Corps No. 2001-01338-JLB)
8. Other Required Regulatory Approvals: Los Angeles County Cemetery Permit –Case No. 30-(1) (Approved October 1, 1963)

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9. California Environmental Quality Act (CEQA) Compliance: The proposed project is Statutorily Exempt from CEQA pursuant to the CEQA Guidelines, Section 15261(b) (Ongoing Project).
10. Receiving Water: Unnamed ephemeral drainage tributary to Walnut Creek (Hydrologic Unit No. 405.41) and San Jose Creek (Hydrologic Unit No. 405.51).
11. Designated Beneficial Uses: Walnut Creek: MUN, GWR, REC-1, REC-2, WARM, WILD, BIOL, and WET;

San Jose Creek: MUN, GWR, REC-1, REC-2, WARM, WILD, and BIOL
12. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.03 permanent acres

Non-wetland waters (vegetated streambed): 0.57 permanent acres (8,550 linear feet)
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has identified one related project that was approved by the Regional Board in 1996. Activities included the development of the current Forest Lawn Memorial Park, which impacted 0.1 acres of jurisdictional waters of the United States.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- All practicable measures would be implemented to enable waters leaving the site to pass through the on-site basin;
 - Irrigation runoff and storm flow that cannot be directed to the on-site basins due to topographic constraints will be directed into local, storm water discharge systems, and

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- Filters would be installed at the inlets to storm drains to reduce the introduction of hydrocarbons, heavy metals and other pollutants into downstream waters of the United States.

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed to create 1.56 acres of wetland habitat and to preserve 0.41 acres of jurisdictional waters of the United States onsite. As an addition, the Applicant has proposed to provide funding for the purchase of 20 acres of riparian habitat within a 957-acre area known as the Rose Hills Foundation Property, which contains approximately 39 acres of riparian habitat. The Applicant will also provide funding to the Puente Hills Landfill Native Habitat Preservation Authority, for the purchase of 15 acres of coastal sage scrub and an adjacent 1.75 acres of riparian woodland. Within the riparian woodland area, the Applicant proposes to restore and enhance the area by removing non-native vegetation and by planting native species.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 02-036

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

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Conditions of Certification File No. 02-036

4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore all areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.

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8. The Applicant shall provide **COMPENSATORY MITIGATION** to offset the proposed permanent impacts to **0.60 acres** of waters of the United States/Federal jurisdictional wetlands by creating 1.56 acres of Federal jurisdictional wetland habitat. The Applicant shall also preserve 0.41 acres of jurisdictional waters at the project site. Additional offsite mitigation shall include the purchase of 20 acres of riparian habitat within a 957-acre area known as the Rose Hills Foundation Property. The Applicant shall also purchase 15 acres of coastal sage scrub and an adjacent 1.75 acres of riparian woodland, which is to be enhanced and restored by removing non-native vegetation and replacing it with native species. The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude, and all mitigation areas shall be recorded such that they are preserved in perpetuity. This information shall be submitted to this Regional Board prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
9. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after planting.
10. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-036**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
11. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
12. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS614001 and Waste Discharge Requirements Order No. 96-054. This includes the Standard Urban Stormwater Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.

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13. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.